



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
LAW ENFORCEMENT MISCONDUCT INVESTIGATIVE OFFICE

December 6, 2024

Commissioner Jessica Tisch
New York City Police Department
One Police Plaza
New York, NY 10038

Via Email

Re: Letter regarding Executive Law 75(5)(b) Referral of Detective Sergeant Samuel Hui, OAG Matter No. 1-794585067

Dear Commissioner Tisch,

We have reviewed your agency's referral of Detective Sergeant Hui pursuant to Executive Law Section 75(5)(b). Based on our review, we have concluded that Sgt. Hui engaged in a pattern of misconduct involving repeated unlawful stops, searches and questioning in contravention of the Fourth Amendment and that he used force in violation of NYPD policy.

Our findings are based on the following incidents:

CCRB # 201904815

On June 2, 2019, Complainant One and two other individuals were sitting inside a vehicle that was partially parked in the pedestrian crosswalk. Sgt. Hui¹ approached Complainant One, who was in the driver's seat, and immediately asked him if he had weapons on his person and in the vehicle. The CCRB investigated this incident and substantiated abuse of authority allegations in that Sgt. Hui questioned Complainant 1A during the incident without sufficient legal authority. NYPD imposed formalized training on Hui.

CCRB # 202000291

On January 11, 2020, Sergeant Hui conducted a traffic stop of Complainant Two for failure to signal before making a left turn on a turning lane. During the interaction with Complainant Two, Sgt. Hui told Complainant Two they were being pulled over for failing to signal. The CCRB conducted an investigation and obtained surveillance video evidence that contradicted Sgt. Hui's statement by showing Complainant Two using his blinkers during this incident. The CCRB substantiated abuse of authority allegations in that Hui conducted a vehicle stop without

¹ At the time of this incident, Det. Sgt. Hui held the rank of officer.

sufficient legal authority and failed to provide a business card during the incident. CCRB recommended formalized training, NYPD imposed Command A Discipline.

Complainant Two brought a civil lawsuit against Sgt. Hui and the City of New York in the Eastern District of New York on March 10, 2022. The case was closed on June 13, 2022 and settled for \$8,725.

CCRB # 202002456

On March 14, 2020, Complainant Three (a 15-year-old minor) and four other individuals were standing on the corner of Fulton Street and Ralph Avenue in Brooklyn, when Sgt. Hui, who was operating an unmarked patrol vehicle and was dressed in plain clothes, stopped the vehicle in front of the group, ignited the emergency lights and told the Complainant to stop. Complainant Three began to run. Another officer pursued Complainant Three and drew his service weapon. Complainant Three stopped and laid on the ground until officers placed him in handcuffs and transported him to the 73rd stationhouse. No weapons or other contraband were recovered and Complainant Three was released to his mother's custody.

The CCRB investigated this incident and substantiated abuse of authority allegations in that Sgt. Hui stopped Complainant Three without sufficient legal authority and engaged in other misconduct (failure to prepare a memo book entry). Allegations of abuse of authority were substantiated against other officers. CCRB recommended Command A discipline, but NYPD did not impose discipline.

CCRB # 202100719

On January 28, 2021, Complainant Four exited a vehicle on Thomas S. Boyland Street in Brooklyn and adjusted his waistband as he walked past the front of an unmarked police vehicle into a deli. Sgt. Hui stated that he believed that Complainant Four was in possession of a firearm. He and other officers exited the vehicle, entered the store, grabbed the Complainant's arms, and pushed him against a door to the right of the store counter. Sgt. Hui directed an officer to search the individual multiple times. During the interaction, Sgt. Hui used discourteous language when speaking with the Complainant. No gun was recovered from Complainant 4.

The CCRB investigated this incident and substantiated abuse of authority allegations in that Sgt. Hui stopped Complainant Four without sufficient legal authority and searched his person in violation of Patrol Guide Procedure 212-11. CCRB also found that Sgt. Hui engaged in excessive force in that he grabbed the Complainant's arm in violation of Patrol Guide Procedure 221-01 and was discourteous without police necessity. CCRB recommended Charges and Command A Discipline, and NYPD imposed Command A Discipline and a forfeiture of 3 vacation days.

CCRB # 202006027

On May 17, 2020, Sgt. Hui and a team of officers executed a search warrant at the home of Complainant Five. The team entered the property by jumping over a fence located in the rear of the yard. While Sgt. Hui was climbing over the fence, the Complainant yelled not to come onto his property, raised his arms and pointed at Sgt. Hui. Sgt. Hui responded by drawing his taser, pointing it at Complainant Five, and threatening to tase him. While Sgt. Hui was walking toward

the rear basement door, the Complainant walked in between Sgt. Hui and the door and attempts to stop him from entering. Sgt. Hui fires his taser one time, hits the Complainant and takes the Complainant into custody.

CCRB investigated this incident and substantiated an abuse of authority allegation against Sgt. Hui for threatening to use his taser against the Complainant when the use of that taser wasn't authorized. Additionally, CCRB determined that other possible misconduct occurred in that Sgt. Hui improperly used his body-worn camera during the incident. CCRB substantiated abuse of authority allegations against other officers. CCRB recommended Command B Discipline, NYPD declined to impose a penalty given that the complaint passed the statute of limitations for multiple reasons, including that the Complainant filed the complaint four months after the incident date, NYPD took an extensive amount of time to process video evidence, and CCRB encountered difficulty in interviewing Sgt. Hui, who rescheduled his interview 13 times over the course of six months.

IAB # 21-19128 / CCRB # 202105227

On August 25, 2021, Sgt. Hui and another officer approached Complainant Six as he stood outside of his New York State Housing Authority building, approximately five or six feet away from a second individual who was sitting on a moped that was parked on the sidewalk.² The moped did not belong to Complainant Six, who was only standing on the sidewalk, five or six feet away from the moped and its owner. While another officer stopped the individual on the moped and asked for his registration, Sgt. Hui pointed his Taser at, and then frisked, Complainant Six. Complainant Six subsequently was released, while the driver of the moped ultimately was arrested after a struggle with the officers.

The CCRB investigated this incident and substantiated abuse of authority allegations in that Sgt. Hui stopped and frisked Complainant Six without sufficient legal authority. Abuse of authority allegations against other officers were substantiated. CCRB recommended Command A Discipline, NYPD imposed Command A Discipline and a forfeiture of 3 vacation days.

In addition to the substantiated incidents described above, Sgt. Hui also is named in two active civil lawsuits alleging unlawfully stops, searches, arrest, and excessive force. While unproven, the allegations are consistent with the pattern described above.

Based on the substantiated incidents, we conclude that Sgt. Hui engaged in a pattern of misconduct related to his participation in unlawful stops, searches and questioning in contravention of the Fourth Amendment, and that he used force during a stop in violation of NYPD policy. To prevent future misconduct, NYPD should develop a plan for addressing Sgt. Hui's repeated misconduct that includes monitoring and training to ensure his compliance with the Fourth Amendment.

² While it was the individual on the moped who technically submitted the complaint to the CCRB, not Complainant 6, we use "Complainant 6" to describe the bystander who was improperly stopped and frisked because he was the subject of Sgt. Hui's improper stop and frisk.

In addition, Sgt. Hui's repeated misconduct should be considered an aggravating factor when imposing discipline for future violations, per NYPD's Discipline Matrix ("conduct demonstrating a pattern of behavior that indicates an inability to adhere to Department rules and standards" and "prior disciplinary history").

We request a written response within 90 days as to NYPD's remedial actions pursuant to Executive Law § 75(5)(c), specifically including the remedial plan described above.

Thank you,

LETITIA JAMES
Attorney General of the State of New York

By: Brenda Osorio
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